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**Submission by Human Rights Watch on Russia
to the Human Rights Committee
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This submission aims to contribute to the Human Rights Committee's ("the Committee") upcoming review of the Russian Federation's compliance with the International Covenant on Civil and Political Rights ("ICCPR" or "the Covenant"). It focuses on the following key areas of concern – (1) rights to freedom of association and of expression, notably the Russian government's unprecedented crackdown on civil society through the use of repressive "foreign agents" and "undesirables" legislation, as well as its abuse of counterterrorism and anti-extremism laws to retaliate against critics, and criminalization of defamation; (2) right to privacy, freedom of expression and access to information online, through a raft of new laws and regulations encroaching on expression online and escalating government pressure on social media platforms to censor certain online content; (3) right to privacy, through invasive, government-endorsed software used in online learning during the Covid-19 pandemic; (4) equality and non-discrimination in the context of migration, including new amendments to Russia's migration law, and; (5) egregious violations in Chechnya, including arbitrary detention, torture, collective punishment, public humiliation, and other abuses against a range of individuals whom local authorities view as "undesirable."

The topics addressed in this submission are not a comprehensive accounting of the myriad ways in which the Russian government's policies and practices fall short of Covenant standards. Nor are they a full reflection of the scope of Human Rights Watch's work on Russia. A fuller overview of Human Rights Watch's concerns on Russia is available at: <https://www.hrw.org/europe/central-asia/russia>.

In the nearly seven years since the Committee last examined Russia, the country's human rights landscape, already marred by serious violations across the Covenant's spectrum of rights, has become almost unrecognizable.

A decade of insidious enforcement of the "foreign agents" law has decimated Russia's civil society, which had burgeoned in the 30 years since the collapse of the Soviet Union, leading, among other things, to the forced closure of Russia's human rights giants, International Memorial and the Memorial Human Rights Center, as the year 2021 drew to a close. The authorities sporadically harshened and expanded the scope of the "foreign agents" legislation to apply not only to just about any civil society organization, but also to any individual who publicly criticizes the authorities.

The authorities have also expanded their use of the law on “undesirable organizations,” adopted after the Committee’s last review of Russia in 2015, to crack down on Russian activists and independent organizations. While the law in question bans foreign organizations, the penalties for involvement with them target Russian groups and activists.

The cumulative effect of both the foreign agents and “undesirables” laws has been a dramatic shrinking of civil society space in the country. Many activists, journalists, and lawyers have felt compelled to leave Russia to safely continue their work.

Russian government assertions made in its replies to the Committee’s List of Issues, that “Russian legislation is not aimed at the dissolution of... organizations or the creation of any barriers to their work,” could not be further from the facts, as amply demonstrated by the ever-expanding catalogue of cases brought against organizations and individuals, and the barrage of new, draconian laws further harshening the already severely restricted environment for civic activism in Russia. The need to stand up for and lend meaningful support to human rights defenders in Russia could hardly be more pressing. It is not an overstatement that the survival of independent civil society in Russia stands on the line.

Freedom of Association and Expression (Covenant Articles 18, 19 and 22)

“Foreign Agents” Legislation

As the Committee is well aware, since 2012, the Russian government has used a deeply problematic “foreign agents” law to demonize independent groups that seek and utilize foreign funding and carry out public advocacy. This has had disastrous consequences for the rights to freedom of association and of expression in Russia.

Under this legislation, the authorities can place the toxic “foreign agent” label on any organization – and since 2019, media outlet or blogger – that receives even miniscule amounts of funding from abroad (including in-kind) and is deemed to “participate in political activities.”¹ The authorities’ definition of “political activities” is wide-ranging – covering such things as holding a training, publishing a report (including such as the present submission) or being quoted in the media — and has facilitated its arbitrary application. The law’s labeling requirements and penalties make clear that the aim is to smear and punish independent public activism.

Amendments adopted in late 2020 and early 2021 drastically expanded the scope of individuals and groups that can be designated “foreign agents,” to include a wide range of individuals irrespective of nationality; non-registered public associations; and in some cases, foreign journalists. The provisions also expanded the scope of what constitutes “foreign funds.” For instance, in case of individuals, there is not even a requirement to receive foreign funds – receiving training abroad apparently suffices. For unregistered civic groups, the mere intention to receive foreign funds and engage in what authorities

¹ Legislative amendments adopted in 2019 allowed authorities to designate individuals as “foreign media-foreign agent. See, “Russia: “Foreign Agents” Bill Threatens Journalists”, Human Rights Watch news release, November 18, 2019, <https://www.hrw.org/news/2019/11/18/russia-foreign-agents-bill-threatens-journalists>. Amendments adopted in 2017 to Russia’s media legislation enabled the government to designate any media organization or information distributor of foreign origin as “foreign agent media. See, “Russia: Reject ‘Foreign Agents’ Media Bill,” Human Rights Watch news release, November 16, 2017, <https://www.hrw.org/news/2017/11/17/russia-reject-foreign-agents-media-bill>. At time of writing, the Justice Ministry’s registry of “foreign agent media” included 115 individuals and outlets; all but 17 were added in 2021 and in January 2022. <https://minjust.gov.ru/ru/documents/7755/>.

may consider as “political activity” would entail an obligation to register as a “foreign agent.”² The provisions restrict the rights of such organizations, groups and individuals and impose additional reporting obligations and requirements to prominently display the label “foreign agent” on all communications, including on social media. The maximum penalty for “malicious failure” to comply with the new provisions is up to five years’ imprisonment.

On the day the labeling penalties entered into force, March 1, 2021, Lev Ponomarev, a leading human rights defender in Russia, announced that he had little choice but to shut down his public association “Za prava cheloveka” (For Human Rights), because his association was comprised of a thousand members nationwide operating independently and without direct relation to him, making it impossible to protect them from fines and potential criminal liability.³

A major concern is the devastating impact of fines on groups that do not have resources to pay, in particular smaller organizations outside Moscow and St. Petersburg. In one such example, Semyon Simonov, director of the Southern Human Rights Center in Sochi, was sentenced in a criminal trial to 250 hours of mandatory labor in July 2021 because he did not have the funds to pay the fine imposed on him for refusing to register his NGO as a “foreign agent.”⁴

A particularly insidious provision of one of the new laws, which entered into force in October 2021, expanded reporting requirements for “foreign agents” and allows the Justice Ministry to ban any planned or ongoing activity by those groups.⁵ Failure to comply may serve as grounds to close the organization.⁶

The provision further introduced additional grounds for unannounced government inspections – including of groups not designated as “foreign agents” – if the authorities receive allegations that they participated in events organized or conducted by a foreign organization designated as “undesirable.”⁷ The new law does not clarify what constitutes “participation,” does not differentiate between allegations that a group member “participated” in such events in their personal capacity or as a representative of the group, and does not limit such events to those taking place in Russia. It also includes no qualifying criteria requiring the allegations to be credible before they trigger an inspection, nor any cap on the number of these inspections.

Other amendments expanded grounds for unscheduled inspections of groups listed as “foreign agents” to include instances when authorities receive information that the group’s activities “do not comply with

² Russia: New Move to Suffocate Civil Society,” Human Rights Watch news release, November 23, 2020, <https://www.hrw.org/news/2020/11/23/russia-new-move-suffocate-civil-society>.

³ “Lev Ponomarev closed down public association “Za Prava Cheloveka” (For human rights)”, *RFE/RL*, March 1, 2021, <https://www.svoboda.org/a/31128231.html> (accessed February 8, 2022).

⁴ See, “Russia: Court Convicts Rights Defender,” Human Rights Watch news release, July 12, 2021, <https://www.hrw.org/news/2021/07/12/russia-court-convicts-rights-defender>. Simonov was subsequently vacated from serving the sentence by a court of cassation, due to expiration of the statutory limitations.

⁵ The provision imposes the same requirement on foreign organizations. See, “Russia: New Effort to Stifle Independent Groups,” Human Rights Watch news release, November 12, 2020, <https://www.hrw.org/news/2020/11/12/russia-new-effort-stifle-independent-groups>.

⁶ Bill «On amendments to the Federal Law “On non-commercial organizations” concerning legal regulation of activities of non-commercial organizations acting as foreign agent and structural branches of foreign non-commercial organizations”, No. 1052523-7, November 2020, <https://sozd.duma.gov.ru/bill/1052523-7>.

⁷ Federal law “On amendments to the Federal law “On non-commercial organizations”, no.75-FZ, April 5, 2021, art. 1(3(a)).

its chartered aims and purposes.” The law provides no threshold of credibility for such allegations before they would trigger an inspection, nor any cap on their number in any given time period.⁸

In a November 2020 appeal to three UN special rapporteurs, 50 prominent Russian civil society organizations decried the amendments as “aim[ing] to further delegitimize and stigmatize the activity of independent NGOs in Russia” and the bill’s passage as leading to “total State control of NGOs” and “intensify[ing] Russia’s isolation from the rest of the world.”⁹

Russian authorities also expanded the application of the “foreign agents” laws to smear political opponents. Amendments to the election law, hurriedly introduced and adopted less than a year before September 2021 parliamentary elections, also attached the “foreign agent” label to candidates running for elected positions. It is clear that this bill sought to use the toxic notion of “foreign agent” to stigmatize political opposition candidates who had been involved in civic activism.

“Undesirables” Legislation

Russia’s deliberately broad and vague 2015 law on “undesirable organizations” authorizes the prosecutor general’s office to designate as “undesirable” any foreign or international organization that it deems as “harming” Russia’s security, national defense, or constitutional order.¹⁰ Once blacklisted, any such organization must cease all activities in Russia. The law has consistently been used to stifle critics, intimidate their Russian supporters, and cut local groups and activists off from foreign partners.¹¹ Organizations and individuals that engage in “continued involvement” with an “undesirable organization” may be subject to administrative and criminal sanctions, including up to six years’ imprisonment.

Parliament further toughened the legislation in 2021, including by expanding the ban on all engagement in activities of an “undesirable organization” beyond Russia’s borders, and amending the criminal code to lower the threshold for criminal liability for alleged links to “undesirable” foreign organizations.¹²

⁸ See, Human Rights Watch “Russia: New Effort to Stifle Independent Groups.”

⁹ Rights in Russia, “50 Russian NGOs appeal to UN Special Rapporteurs over new foreign-agent bill,” November 23, 2020, <https://www.rightsinrussia.org/ngos-appeal-to-un/> (accessed February 7, 2022).

¹⁰ “Russia: Stop Draft Law on ‘Undesirable’ Groups,” Human Rights Watch news release, May 15, 2015, <https://www.hrw.org/news/2015/05/15/russia-stop-draft-law-undesirable-groups>.

Originally introduced by the 2015 Federal law “On amendments to certain legal acts of the Russian Federation” no.129-FZ, including introducing administrative and criminal sanctions for involvement with “undesirable organizations”. The legislation was further expanded in 2017 banning mass media from hyperlinking their online content to materials of the “undesirables” and in 2021 with amendments expanding the for Russian nationals and resident stateless persons to get involved in the activities of “undesirables” extraterritorially, i.e. beyond Russia’s borders; and amending provisions on criminal and administrative sanctions, lowering a threshold for criminal prosecution, thus making it easier for authorities to target civic activists with criminal cases on allegations of involvement with blacklisted “undesirable organizations.”

¹¹ Damelya Aitkhozhina, “Russian Activist Targeted Under Abusive ‘Undesirable Organization’ Law,” commentary, Human Rights Watch Dispatch, June 1, 2021, <https://www.hrw.org/news/2021/06/01/russian-activist-targeted-under-abusive-undesirable-organization-law>.

¹² Previously criminal proceedings could be initiated only if the targeted person already had two administrative sentences within the previous year. Under the new law, the authorities could open criminal cases alleging that a person has a leadership or management role in an undesirable organization without any prior offenses. This offense carries a punishment of up to six years in prison. Also, the authorities will be able to press criminal “participation” charges if a person had only one prior administrative sentence on the same charge,¹² or right away – if a person had a prior criminal conviction for the same, carrying a punishment of up to four years in prison; See, Damelya Aitkhozhina (Human Rights Watch), “New ‘Undesirables’ Law Expands Activists’ Danger Zone,” commentary, *The Moscow Times* <https://www.hrw.org/news/2021/06/17/new-undesirables-law-expands-activists-danger-zone>.

The legislation also placed at risk of prosecution and imprisonment any person making donations or providing unspecified “financial services” to the blacklisted organizations.

As of January 2022, there were 50 organizations placed on the Russian Ministry of Justice’s “undesirable” blacklist, including prominent international donors and humanitarian organizations.¹³

As a result of these amendments, Open Russia Civic Movement—which authorities had targeted since 2019 with “undesirable”-related prosecutions—closed, citing risks to supporters and members. But at the end of May 2021, authorities detained Andrey Pivovarov, the group’s former director. At time of writing, he remained in detention facing up to six years in prison.

In February 2021, after two years under house arrest, a court sentenced Anastasiya Shevchenko to a four-year suspended sentence merely for being part of the Open Russia movement. In August, Mikhail Iosilevich was released after six months’ pretrial detention for providing space for civil society events in his café.¹⁴ He still faces trial on “undesirable” and other trumped-up charges.

In 2020, courts found Maxim Vernikov and Yana Antonova guilty of involvement with an “undesirable organization” over their association with the Open Russia Civic Movement and sentenced them to several hundred hours of mandatory labor.

In July 2021, Team 29, a leading association of Russian human rights lawyers, announced it was shutting down because its members, clients, and supporters faced imminent risk of prosecution after the group had been falsely equated with a Czech freedom of information organization recently banned in Russia as “undesirable.”¹⁵ Ivan Pavlov, the group’s founder and prominent human rights lawyer, subsequently had to leave the country after authorities moved to disbar him, placed restrictions in his activities, and listed him and four of his colleagues as “foreign agents.”¹⁶

In September 2021, a court fined Igor Kalyapin, chair of the Russian Committee against Torture for allegedly “distributed materials” of an “undesirable” foreign organization. The material in question was an article that the Committee against Torture posted on its website in 2017, reporting that the Czech humanitarian group People in Need (PIN), blacklisted as “undesirable” in 2019, honored Kalyapin for his human rights work. A PIN photograph of the awards ceremony and a link to PIN’s website appeared with the article. After 2019, the link no longer worked.

Abuse of Anti-Extremism/Counter-Terrorism Legislation

¹³ Ministry of Justice of the Russian Federation, “Перечень иностранных и международных неправительственных организаций, деятельность которых признана нежелательной на территории Российской Федерации” (“List of foreign and international non-governmental organizations whose activities are recognized as undesirable on the territory of the Russian Federation”), Moscow, February 4, 2022, <https://minjust.gov.ru/ru/documents/7756/> (accessed February 7, 2022).

¹⁴ Aitkhozhina, “New ‘Undesirables’ Law Expands Activists’ Danger Zone.”

¹⁵ Tanya Lokshina, “Threat of Prosecution Forces Closure of Top Russian Rights Group,” commentary, Human Rights Watch Dispatch, July 19, 2021, <https://www.hrw.org/news/2021/07/19/threat-prosecution-forces-closure-top-russian-rights-group>.

¹⁶ Two other human rights lawyers, Vanessa Kogan and Valentina Chupik, both foreign nationals and heads of human rights groups that worked on international human rights litigation and legal aid to migrants respectively, were expelled from the country on dubious ground, albeit unrelated to the “undesirables” law. See, “Russia: Three Human Rights Groups Penalized,” Human Rights Watch news release, September 27, 2021, <https://www.hrw.org/news/2021/09/27/russia-three-human-rights-groups-penalized>.

Russian authorities continued to abuse the country's overbroad counterterrorism and counter-extremism laws to retaliate against opposition figures, dissenting voices, and religious minorities.

Three organizations associated with political opposition figure Alexey Navalny were banned in June 2021 as "extremist" despite the lack of any credible evidence that their activities were extremist, much less a security threat. Shortly before the ruling, parliament adopted a law retroactively banning staffers and founders of organizations designated as extremist from running in parliamentary elections. The law was later expanded to ban them from any elections.¹⁷ In September 2021, authorities announced a new criminal case against Navalny and his allies over continuing "extremist group" activities. In November, authorities arrested Lilia Chanyшева, the former head of Navalny's team in Ufa, on charges of leading an extremist group. Navalny and a number of his allies were added to the government registry of "extremists and terrorists" in January 2022.

In at least one case in recent years, authorities also invoked counter-terrorism charges against a journalist in direct connection with their journalistic work. In July 2020, journalist Svetlana Prokopyeva was sentenced to a hefty fine on bogus terrorism charges for arguing that Russia's repressive policies on speech and assembly radicalized youth.¹⁸ A year before the verdict, she was listed on the government's registry of "terrorists and extremists" and barred from foreign travel, her bank accounts and other assets frozen.

The authorities also prosecuted people accused of affiliation with religious organizations designated as "terrorist" or "extremist" although these groups have not espoused or been linked to violence.¹⁹

Criminal Defamation

A law adopted in December 2020 re-introduced prison sentences for defamation that is committed publicly and expanded its application to include online content. This seemed aimed at hampering anti-corruption investigations and other public inquiries. The same law increased the maximum penalty for defamation involving allegations of sexual assault to five years imprisonment. This will add to the many barriers women in Russia already face to prove assault in the Russian legal system and could be a very powerful deterrent for reporting sexual assault.²⁰

Recommendations

¹⁷ "Russia: Ban Sought on Groups Linked to Navalny," Human Rights Watch news release, April 19, 2021, <https://www.hrw.org/news/2021/04/19/russia-ban-sought-groups-linked-navalny>.

¹⁸ Damelya Aitkhozhina, "Russian Journalist Sentenced on Bogus Terrorism Charges," commentary, Human Rights Watch Dispatch, July 6, 2020, <https://www.hrw.org/news/2020/07/06/russian-journalist-sentenced-bogus-terrorism-charges>

¹⁹ See e.g. Human Rights Watch, *World Report 2021*, (New York: Human Rights Watch, 2021), Russia chapter, <https://www.hrw.org/world-report/2021/country-chapters/russia#>; Human Rights Watch, *World Report 2022* (New York: Human Rights Watch, 2022), Russia chapter, <https://www.hrw.org/world-report/2022/country-chapters/russia>. See also, Human Rights Watch, *Russia: Escalating Persecution of Jehovah's Witnesses*, January 9, 2020, <https://www.hrw.org/news/2020/01/09/russia-escalating-persecution-jehovahs-witnesses>; Damelya Aitkhozhina, "Harsh Sentences for Alleged Hizb ut-Tahrir Followers in Russia," commentary, Human Rights Watch Dispatch, October 1, 2020, <https://www.hrw.org/news/2020/10/01/harsh-sentences-alleged-hizb-ut-tahrir-followers-russia>

²⁰ Criminal Code of the Russian Federation, art.128¹ (5).

http://www.consultant.ru/document/cons_doc_LAW_10699/8a73d26dba7976d6c43cc94aa1515368fef256f0/

The Committee should call on the Russian government to end its vicious and escalating crackdown on civil society and guarantee the rights to freedom of expression, association, and peaceful assembly in line with its obligations under the Covenant, and specifically, to:

- Repeal all legislation pertaining to “foreign agents” and “undesirable” organizations, and annul all court rulings that shut down organizations based on these laws, including Memorial, and vacate all sentences targeting their members and staff;
- Stop abusing its overly broad counterterrorism and counter-extremism laws to retaliate against opposition figures, dissenting voices, and religious minorities, and;
- Amend the criminal code to decriminalize defamation.

Privacy, Freedom of Expression and Access to Information Online (Covenant Articles 17, 19, and 21)

Since the Committee’s last review of Russia, authorities have greatly expanded control online, restricting the rights to privacy, freedom of expression, and freedom of assembly under the pretext of protecting national security or of public order, health, or morals. While the Covenant allows for restrictions on these grounds, the Russian government failed to ensure their necessity, proportionality, and as well as predictability and transparency, and “clear and accessible” provision by law.²¹

Facial Recognition Technology

Since 2017, Russian authorities have been integrating public surveillance systems with facial recognition technology across the country and using these technologically enhanced systems to identify and prosecute participants of peaceful protests.²²

In 2019, women’s rights activist Alena Popova filed a lawsuit after being detained for unsanctioned picketing in 2018²³. Popova claimed that the video recording used in her case file contained evidence of facial recognition technology use. In September 2019, Popova and politician Vladimir Milov filed another lawsuit against authorities’ use of the technology to gather data of participants of public protests. The lawsuit argued that authorities required participants to pass through metal detectors equipped with CCTV cameras installed at eye level.²⁴

Russian national courts dismissed both of Popova’s lawsuits, as well as all other similar lawsuits²⁵. Left without an effective remedy for rights violations facilitated by authorities’ use of facial recognition technology, Popova and Milov have filed a complaint with the European Court of Human Rights.²⁶

²¹ United Nations Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, A/HRC/17/27, May 16, 2011, https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf (accessed February 7, 2020) p. 8.

²² “Moscow is expanding its use of face recognition technology,” *The Bell*, December 9, 2018 <https://thebell.io/en/moscow-is-expanding-its-use-of-face-recognition-technology/> (accessed February 7, 2022).

²³ Nicola Haberser, “Russian Activist Fights Use of Facial Recognition Technology,” commentary, Human Rights Watch Dispatch, October 18, 2019, <https://www.hrw.org/news/2019/10/18/russian-activist-fights-use-facial-recognition-technology>.

²⁴ Anastasiia Kruope, “Moscow’s Use of Facial Recognition Technology Challenged,” commentary, Human Rights Watch Dispatch, July 8, 2020, <https://www.hrw.org/news/2020/07/08/moscows-use-facial-recognition-technology-challenged>.

²⁵ RosKomSvoboda, “Суд не увидел нарушения закона в неконтролируемой слежке за москвичами” (“Court did not see a violation of the law in uncontrolled surveillance of Muscovites”), December 24, 2020, <https://roskomsvoboda.org/67843/> (accessed February 7, 2022).

²⁶ Anastasiia Kruope, “Moscow’s Use of Facial Recognition Technology Challenged.”

Authorities used facial recognition technology to identify and prosecute participants in protests in support of the jailed opposition figure Alexei Navalny that took place in winter and spring 2021, sometimes, days or weeks after the rallies had taken place.²⁷

The use of facial recognition technology, including for the purpose of policing, is not regulated by Russian law. Such use in the context of peaceful protests is contrary to the principle of legal certainty, interfering with rights to liberty and security using methods that are not subject to appropriate oversight or properly provided for in law. It also violates the rights to privacy and peaceful assembly and is used in a manner that discriminates based on political views.

Website Blockings and Social Media Censorship

In recent years, authorities have used the law on “undesirable foreign organizations” (see above) to block websites of independent media and human rights organizations. In August 2021, the state blocked the websites of independent news outlets MBKh-Media, Open Media, and Open Rights, leading to their decision to close.²⁸ As noted above, in July 2021, Team 29 also had to close after authorities blocked their website.

In December 2021, Roskomnadzor, the state media and communications watchdog, blocked the website of OVD-info, a prominent human rights group working to protect the freedom of assembly in Russia, on bogus accusations of spreading “extremist” and “terrorist” materials.²⁹ A court also demanded that social media platforms block OVD-info’s accounts.

In October 2019, a Saint Petersburg court ordered the blocking of “Russian LGBT Community” and “Russia LGBT Network,” public groups hosted on VKontakte.³⁰ The court cited Russia’s discriminatory law forbidding dissemination of “gay propaganda” among people under the age of 18, claiming the groups disseminated images representing same-sex relationships.

In January 2020, the law on sovereign internet entered into force, requiring internet service providers to install deep packet inspection (DPI) technology that allows authorities to exercise direct and unsupervised filtering, rerouting, and blocking of internet traffic.³¹

The Russian parliament has been continually amending laws to increase the number of government agencies with powers to order content blocking. Currently, at least eleven government bodies have the right to order extrajudicial blocking.³²

In June 2020, the European Court of Human Rights ruled on four cases brought against Russia, finding that blocking entire websites violates the owners’ right to impart information and the public’s right to

²⁷ OVD-Info, *Как власти используют камеры и распознавание лиц против протестующих (How authorities are using cameras and facial recognition against protestors)*, <https://reports.ovdinfo.org/kak-vlasti-ispolzuyut-kamery-i-raspoznavanie-lic-protiv-protestuyushchih#1> (accessed February 7, 2022).

²⁸ Tanya Lokshina, “Russia Expands Onslaught on Critics,” commentary, Human Rights Watch Dispatch, August 5, 2021, <https://www.hrw.org/news/2021/08/05/russia-expands-onslaught-critics>.

²⁹ Tanya Lokshina, “Russian Authorities Aim to Stifle Leading Rights Group,” commentary, Human Rights Watch Dispatch, January 12, 2022, <https://www.hrw.org/news/2022/01/12/russian-authorities-aim-stifle-leading-rights-group>.

³⁰ Kyle Knight, “Russia Censors LGBT Online Groups,” commentary, Human Rights Watch Dispatch, October 8, 2019, <https://www.hrw.org/news/2019/10/08/russia-censors-lgbt-online-groups>.

³¹ “Russia: Growing Internet Isolation, Control, Censorship,” Human Rights Watch news release, June 18, 2020, <https://www.hrw.org/news/2020/06/18/russia-growing-internet-isolation-control-censorship>.

³² <https://reestr.rublacklist.net/visual/>.

receive it.³³ In 2011, the Committee stated in a general comment that generic bans on the operation of certain websites and internet systems are not compatible with ICCPR article 19.³⁴

Over the past two years, Russian authorities have been increasingly forcing social media platforms to take down lawful content about peaceful protests, in violation of the rights to access information freely, to freedom of expression and to assembly.³⁵

In 2021, authorities forced internet companies to take down content about elections disseminated by groups led by opposition figure Alexei Navalny using extremist charges against them, even though such content is protected under Article 19 of the ICCPR.³⁶

In April 2021, the state used DPI technology to throttle internet traffic to Twitter because it refused to take down content deemed unwanted by the government.³⁷ This violated the right of Twitter users to use the platform to freely impart and receive information and communicate. Authorities repeatedly threatened foreign social media platforms, including Twitter, with full or partial blocking.³⁸

Privacy of Online Communications

Since the Committee's last review, authorities expanded the already broad and opaque legislation on online surveillance for public security protection.³⁹ In 2018, they required social media platforms and apps to store and share information about users without a court order.⁴⁰ In 2016, they demanded that messenger services provide encryption keys to law enforcement to facilitate communications interception.⁴¹

³³ European Court of Human Rights, *Vladimir Kharitonov v. Russia* (10795/14), Judgement of 23 June 2020, available at <https://hudoc.echr.coe.int/eng?i=001-203177>; European Court of Human Rights, *OOO Flavus and Others v. Russia* (12468/15; 23489/15, 19074/16), Judgement of 23 June 2020, available at <https://hudoc.echr.coe.int/eng?i=002-12866>; European Court of Human Rights, *Engels v. Russia* (61919/16), Judgement of 23 June 2020, available at <https://hudoc.echr.coe.int/eng?i=001-203180>; European Court of Human Rights, *Bulgakov v. Russia* (20159/15), Judgement of 23 June 2020, available at <https://hudoc.echr.coe.int/eng?i=001-203181>.

³⁴ UN Human Rights Committee, General Comment 34, Article 19, Freedoms of opinion and expression (One hundred-second session, 2011), CCPR/C/GC/34 (2011), <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (accessed February 7, 2022).

³⁵ "Russia: Year of Doubling Down on Internet Censorship," Human Rights Watch news release, December 24, 2021, <https://www.hrw.org/news/2021/12/24/russia-year-doubling-down-internet-censorship>.

³⁶ Deborah Brown, "US Tech Companies Bow to Russian Government," commentary, Human Rights Watch Dispatch, September 21, 2021, <https://www.hrw.org/news/2021/09/21/us-tech-companies-bow-russian-government>. In 2021, the authorities justified the blocking by citing the government's utterly arbitrary designation of groups affiliated with Navalny as "extremist," which served to ban them in Russia.

³⁷ Anastasiia Kruope, "Russia Slows Down Twitter Access," commentary, Human Rights Watch Dispatch, March 10, 2021, <https://www.hrw.org/news/2021/03/10/russia-slows-down-twitter-access>.

³⁸ "Russia: Social Media Pressured to Censor Posts," Human Rights Watch news release, February 5, 2021, <https://www.hrw.org/news/2021/02/05/russia-social-media-pressured-censor-posts>.

³⁹ European Court of Human Rights, *Roman Rakharov v. Russia* [GC] (47143/06), Judgement of 12 April 2015, available at <https://hudoc.echr.coe.int/fre?i=002-10793>.

⁴⁰ "Russia: Growing Internet Isolation, Control, Censorship," Human Rights Watch news release.

⁴¹ Human Rights Watch, *Online and On All Fronts: Russia's Assault on Freedom of Expression*, July 18, 2017 <https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression>.

In April 2018, a court in Moscow ruled to block Telegram, a popular messaging service with almost 10 million users in Russia, for refusing to give encryption keys to security services.⁴² In restricting access to Telegram, authorities also temporarily blocked millions of unrelated IP addresses which underlined the non-transparent and arbitrary nature of blocking procedures and undermined rights. Telegram remained blocked until June 2020.⁴³

Internet Disruptions and Infrastructure Control

In October 2019, authorities briefly disrupted mobile internet connection in Arkhangelsk region amidst protests against the construction of a landfill.⁴⁴ In autumn 2018 and spring 2019, they also repeatedly disrupted mobile internet services in Ingushetia Republic, including for at least three days in March 2019, over protests around the local land dispute with Chechnya.⁴⁵ In summer 2019, authorities briefly disrupted mobile internet connection in Moscow on two occasions during mass protests against barring independent candidates from Moscow City Council elections.⁴⁶

In 2021, access to some government and private websites was temporarily disrupted when access to Twitter was slowed down, as noted above, in what appeared to be collateral damage.⁴⁷

The 2019 “sovereign internet” law envisages the full transfer of control over online communication networks to a government agency, the Center on monitoring and management of communication network. The range of this control includes shutting down networks within certain areas of Russia, as well as cutting Russia off from the World Wide Web.

Recommendations

The Committee should call on the Russian government to:

- Cease the use of face recognition to identify people at peaceful protests; and ensure that all use of face recognition by government, is strictly regulated by law;
- Stop the extrajudicial and overly broad blocking of websites due to content that is legitimate expression protected under international law;
- Stop resorting to other measures to inappropriately restrict freedom of expression, information, and privacy online, such as throttling and pressuring companies to censor online content, including through the use of DPIs;

⁴² “Russia: Assault on Internet Freedom, Cybersecurity,” Human Rights Watch news release, April 30, 2018, <https://www.hrw.org/news/2018/04/30/russia-assault-internet-freedom-cybersecurity>.

⁴³ Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Media of the Russian Federation, “О мессенджере Телеграмм” (“About Telegram messenger”), June 18, 2020, <https://rkn.gov.ru/news/rsoc/news73050.htm> (accessed on February 8, 2022).

⁴⁴ Agora and RosKomSvoboda. *Internet Freedom 2019: The “Fortress” Plan*, February 4, 2020, https://2019.runet.report/assets/files/Internet_Freedom_2019._The_Fortress_ENG.pdf (accessed February 8, 2022).

⁴⁵ Ibid.

⁴⁶ Ibid. and Elizaveta Fokht, “Интернет во время митингов в Москве могли глушить по требованию силовиков” (Internet could be jammed at the request of security forces during rallies in Moscow), *BBC*, August 6, 2019, <https://www.bbc.com/russian/features-49255791> (accessed February 8, 2022).

⁴⁷ Anastasiia Kruope, “Russia Slows Down Twitter Access,” commentary, Human Rights Watch Dispatch, March 10, 2021, <https://www.hrw.org/news/2021/03/10/russia-slows-down-twitter-access>.

- Repeal legislation that expands the powers of law enforcement and security agencies to control online speech and keep dissenters in check. In the meantime, desist from implementing laws that inhibit public debate and encroach on human rights.

Equality, Non-Discrimination, and Arbitrary Deprivation of Liberty in the Context of Migration (Covenant Articles 2(1), 9, 17, and 26)

Migrants in Russia continue to encounter racial profiling, frequent, unjustified identity checks, mass arbitrary detentions, confiscation of identity documents, extortion of bribes, verbal harassment and police brutality. Some Russian officials falsely claimed that crime by migrants had risen in the wake of the economic downturn caused by the Covid-19 pandemic. In 2020, authorities used this as a pretext to propose a mandatory, intrusive tracking app for migrants⁴⁸ and tying migrant workers' visas to their employers.⁴⁹ These initiatives have not yet materialized in draft legislation, but in July 2021, Russia adopted new amendments to its migration law that mandate fingerprinting, photographing, and regular medical examinations of all foreigners, including migrant workers, who spend more than 90 days in the country.

In June 2021, authorities developed a new bill proposing further reforms to migration legislation. The bill includes mandatory software and digital IDs for migrants that would aggregate private information—including biometric, health, and potentially location data. It would also require migrants to sign “loyalty agreements.” In November 2021, the head of Russia’s Investigative Committee instructed this agency to develop a bill on mandatory genomic registration of all migrants,⁵⁰ a practice which under current Russian law applies to people convicted of the most severe crimes.⁵¹

Russian authorities continued the practice of prolonged and repeated detention of stateless persons, whose deportation was not possible due to interim measures imposed by the European Court of Human Rights. In some cases, the duration of detention exceeded the two-year maximum permitted under Russian law for detentions pending deportation. This practice persists despite earlier judgments from the court specifically pointing out these violations and also a Russian Constitutional Court ruling.⁵²

⁴⁸ Damelya Aitkhozhina, “Russia’s Latest App Will Track Migrant Workers – But Who’s Next?”, commentary, Human Rights Watch Dispatch, June 9, 2020, <https://www.hrw.org/news/2020/06/09/russias-latest-app-will-track-migrant-workers-whos-next>.

⁴⁹ Damelya Aitkhozhina, “As Russia Faces an Economic Downturn, Migrant Workers are Paying the Price,” commentary, Human Rights Watch Dispatch, September 9, 2020, <https://www.hrw.org/news/2020/09/09/russia-faces-economic-downturn-migrant-workers-are-paying-price>.

⁵⁰ “Бастрыкин потребовал ввести геномную регистрацию всех трудовых мигрантов” (“Batrykin called for introducing genomic registration of all labor migrants”), *Interfax*, November 1, 2021, <https://www.interfax.ru/russia/800681> (accessed February 8, 2022).

⁵¹ Tiantiana Zamakhina, “Депутат предложил ввести штрафы за отсутствие геномной регистрации у мигрантов” (MP proposed to introduce fines for lack of genomic registration of migrants”), *Rossiskaya Gazeta*, February 1, 2022, <https://rg.ru/2022/02/01/deputat-predlozhit-vvesti-shtrafy-za-otsutstvie-genomnoj-registracii-u-migrantov.html> (accessed February 8, 2022).

⁵² European Court of Human Rights, *Kim v. Russia*, (44260/13), Judgement from 17 July 2014, available at <https://hudoc.echr.coe.int/eng?i=001-145584> (accessed on February 8, 2022); European Court of Human Rights, *Alimuradov v. Russia*, (23019/15), Judgement of 29 January 2019, available at <https://hudoc.echr.coe.int/eng?i=001-189638> (accessed February 8, 2022); European Court of Human Rights, *Mardonshoyev v. Russia*, (8279/16), available at <https://hudoc.echr.coe.int/eng?i=001-189594> (accessed February 8, 2022); European Court of Human Rights, *Mskhiladze V. Russia*, (47741/16), available at <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22%3A%22Mskhiladze%20V.%20Russia%22%22itemid%22%3A%22001-180846%22%7D> (accessed February 8, 2022); “Постановление Конституционного Суда Российской Федерации от 23 мая 2017 г. N 14-П г.

Authorities also used provisions in Russian citizenship law to strip people of nationality and deport them if they are members of persecuted religious minorities banned in Russia as extremist despite no evidence of these groups endorsing, inciting or perpetrating violence. Thus, in 2019 Yevgeniy Kim, was stripped of his Russian citizenship after he served a prison sentence on charges of involvement with the banned Nurdzhular movement.⁵³ He was rendered stateless and detained in a migration detention center, even though his removal from Russia was not feasible as he had no other nationality or established domicile in any other country. In 2021, Kim was released after more than two and half years in deportation custody. He remains stateless and without identification documents. In 2021, authorities similarly stripped two Jehovah's Witnesses of their citizenship and deported them.⁵⁴

Recommendations

The Committee should reiterate the concern it previously expressed about manifestations of racist and xenophobic acts targeting "non-Slav persons," including migrant workers, in Russia, and its call on the authorities to "take all measures necessary to effectively combat and eliminate racial profiling by law enforcement officers, inter alia by clearly defining and prohibiting racial profiling by law and providing mandatory training on cultural awareness and the inadmissibility of racial profiling to law enforcement personnel. It should also investigate misconduct based on racially discriminatory grounds and bring perpetrators to justice."⁵⁵

The Committee should further call on the Russian government to:

- Review its legislation and practices in the field of migration with a view to ensuring their compliance with international standards and best practices, including by rescinding legislation that disproportionately and unjustifiably intrudes on the right to privacy of migrant workers and other categories of migrants; draws no distinction between regular and irregular migrants; and treats or portrays all migrants as potential dangerous criminals;
- Address and prevent hate speech and widespread vilification of migrant populations, in particular in state and state-controlled media;
- Institute awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity (as previously recommended by the Committee).
- Review its legislation and practices to reduce to a minimum the duration of deprivation of liberty in the context of deportation detentions and eliminate any uncertainty in its laws and by-laws to prevent detention of de jure or de facto stateless persons and other categories whose removal from Russia is not possible; and

Санкт-Петербург "по делу о проверке конституционности положений статей 31.7 и 31.9 Кодекса Российской Федерации об административных правонарушениях в связи с жалобой лица без гражданства Н.Г. Мсхиладзе" ("Resolution of the Constitutional Court of the Russian Federation of May 23, 2017 N 14-P St. Petersburg "on the case of checking the constitutionality of the provisions of Articles 31.7 and 31.9 of the Code of Administrative Offenses of the Russian Federation in connection with the complaint of a stateless person N.G. Mskhiladze"), *Rossiskaya Gazeta*, June 2, 2017, <https://rg.ru/2017/06/02/sud14-P-dok.html> (accessed February 8, 2022).

⁵³ Human Rights Watch, *World Report 2022*, Russia chapter, <https://www.hrw.org/world-report/2022/country-chapters/russia>.

⁵⁴ Ibid.

⁵⁵ United Nations Human Rights Committee, "Concluding observations on the seventh periodic report of the Russian Federation," CCPR/C/SR.3157, April 28, 2015 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En (accessed February 8, 2022).

Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and undertake the legislative and administrative reform necessary to bring its laws and procedures in line with these standards.

Egregious Violations in Chechnya (Covenant Articles 2, 3, 6, 7, 9, 10, 14, 17, 18, and 19)

Ramzan Kadyrov, who has been governing Russia's Chechen Republic for approximately 15 years, has ruthlessly eradicated even the mildest forms of dissent there. The Kremlin has given him free rein to engage in any human rights violations and repression with total impunity. Under Kadyrov's leadership, Chechen law enforcement and security officials have used illegal detention, torture, collective punishment, public humiliation, and other abuses against a wide range individuals whom local authorities may view as "undesirable"—including, among others, alleged Islamist militants and their family members; people whom authorities perceive as lesbian, gay, bisexual or transgender; and individuals simply perceived as Kadyrov's critics, and their family members, including women. Kadyrov and other Chechen authorities have forced people who speak out about abuse, or who criticize the authorities, to "recant" on state television. They actively use social media to vilify supposed enemies and critics.⁵⁶

Attacks Against Human Rights Defenders and Journalists

Kadyrov has been waging a war on human rights defenders and independent journalists, branding them "enemies" and "terrorists," jailing them, destroying their offices, and forcing them to leave Chechnya. The Joint Mobile Group of Human Rights Defenders in Chechnya (JMG), had to withdraw its team from Chechnya in 2016, after local law enforcement officials or their apparent proxies ransacked or burned the JMG's offices and thugs physically attacked JMG's activists numerous times.⁵⁷ Chechen media also orchestrated a massive smear campaign against the group.⁵⁸ Memorial Human Rights Center, the last organization that had remained on the ground to document abuses and provide legal assistance to victims or their family members in cases of torture, enforced disappearances, and extra-judicial executions, had to close down its office in Grozny, following the arrest of their Chechnya director, Oyub Titiev in 2018. Titiev was prosecuted on trumped-up drug charges and spent a year and a half behind bars.⁵⁹

In December 2017, Magomed Daudov (Kadyrov's closest associate and the speaker of Chechnya's Parliament) described human rights defenders as "enemies" who must be "separated from normal society." After Titiev's arrest, Kadyrov himself stated on Chechen TV: "they [human rights

⁵⁶ Human Rights Watch, *"Like a Walking Minefield": Vicious Crackdown on Critics in Russia's Chechen Republic*, August 31, 2016, <https://www.hrw.org/report/2016/08/31/walking-minefield/vicious-crackdown-critics-russias-chechen-republic>.

⁵⁷ For example, in March 2016, a mob in Grozny attacked Igor Kalyapin, head of a Russian human rights group called Committee against Torture, one of the founders and participants in the JMG. "Russia: Rights Defender Attacked in Chechnya," Human Rights Watch news release, March 17, 2016, <https://www.hrw.org/news/2016/03/17/russia-rights-defender-attacked-chechnya>.

⁵⁸ Tanya Lokshina (Human Rights Watch), statement delivered to the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe, January 24, 2017, <https://www.hrw.org/news/2017/01/24/lasting-impunity-violations-russias-north-caucasus-and-human-rights-crisis-chechnya>.

⁵⁹ "Russia: Rights Defender Sentenced to Four-Year Prison Term," Human Rights Watch news release, March 18, 2019, <https://www.hrw.org/news/2019/03/18/russia-rights-defender-sentenced-four-year-prison-term>.

defenders] must know, they will not work in our region.” Kadyrov then promised to “break the back of our enemies.”⁶⁰

Since then, Kadyrov has made numerous threatening statements against human rights defenders and journalists, equating them with terrorists and pledging to destroy them. In February 2020, a group of thugs sponsored by the authorities physically attacked human rights lawyer Marina Dubrovina and Novaya Gazeta correspondent Elena Milashina in Grozny. The police report filed by Milashina and Dubrovina saw no effective investigation.⁶¹ The attack was starkly reminiscent of an attack on Igor Kalyapin, the then head of JMG, which took place in another hotel in Grozny almost four years earlier and also saw no effective investigation. On January 24, 2022, Kadyrov made a particularly threatening statement against both Kalyapin and Milashina in his Telegram social media account: “Kalyapin and Milashina are terrorists for me... We have always destroyed terrorists and their accomplices, between whom there is no difference, and we will continue to do so.”⁶²

Repeated attempts by Russian human rights groups and Novaya Gazeta to make federal authorities investigate Kadyrov’s remark as inciting hatred against and threatening human rights defenders and journalists have yielded no result. When commenting on Kadyrov’s January 24 statement, the Kremlin’s spokesperson, Dmitry Peskov, said that Kadyrov was expressing his “personal opinion” and the Kremlin saw no reason to intervene.⁶³ On January 30, posters accusing Kalyapin of supporting terrorists and being a “foreign agent” appeared at the entrance to the apartment building and on the door of his mother’s apartment in Nizhny Novgorod.⁶⁴ At the time of writing, there has been no effective investigation into the incident.

Collective Punishment

Chechen authorities continue using collective punishment to suppress all forms of dissent. In the most recent case, in January 2022 Chechen police abducted 52-year-old Zarema Mussaeva, in order to silence her son, who is presumed to be a prominent critic of Chechen authorities.

Chechen police broke into Mussaeva’s apartment in Nizhny Novgorod and dragged her to their vehicle. Nizhny Novgorod police refused to intervene, and Mussaeva’s abductors took her to Chechnya.⁶⁵ Video

⁶⁰ Joint Letter to FIFA, “Concerning the Human Rights Crisis in Chechnya,” May 18, 2018, <https://www.hrw.org/news/2018/05/23/joint-letter-fifa-concerning-human-rights-crisis-chechnya>.

⁶¹ Tanya Lokshina, “Thugs Attack Lawyer, Journalist in Chechnya,” commentary, Human Rights Watch Dispatch, February 7, 2020, <https://www.hrw.org/news/2020/02/07/thugs-attack-lawyer-journalist-chechnya>.

⁶² Kadyrov_95, “Как же все-таки я про вас правильно говорю: ‘так называемые правозащитники’” (How can I talk about you properly: ‘the so-called human rights activists’”) *Telegram*, January 23, 2022, https://t.me/RKadyrov_95/1214 (accessed February 8, 2022).

⁶³ “Песков назвал «личным мнением» Кадырова обвинения в адрес семьи экс-судьи Янгүлбаева” (“Peskov called Kadyrov’s ‘personal opinion’ accusations against the family of ex-judge Yangulbaev”), *Kommersant*, January 24, 2022, <https://www.kommersant.ru/doc/5181229> (accessed February 8, 2022).

⁶⁴ <https://www.facebook.com/sparta13101967/posts/4981220428607747>.

⁶⁵ Tanya Lokshina, “Chechen Police Abduct a Woman in Retaliation Against Her Sons,” commentary, Human Rights Watch Dispatch, January 21, 2022, <https://www.hrw.org/news/2022/01/21/chechen-police-abduct-woman-retaliation-against-her-sons>.

footage taken outside the apartment building, published by CAT, shows Chechen police dragging Mussaeva through the snow, in her slippers, to their vehicle.⁶⁶

The officers claimed Mussaeva was needed for questioning in a fraud investigation. But the real target of her abduction is her son, Ibragim Yangulbaev, who lives abroad and whom Chechen authorities claim is a key person behind an anti-government Telegram channel, 1ADAT.⁶⁷

About 24 hours later, Mussaeva appeared in a news broadcast on Chechen television. She appeared dazed but claimed she had been treated well. On January 23, a Chechen official stated that a court in Grozny handed Mussaeva a 15-days' administrative arrest for supposedly attacking and offending a police officer after her return.⁶⁸ In response, Kadyrov stated on Telegram that Mussaeva and her entire family belong "in prison or under the ground."⁶⁹ On January 31, Chechen law enforcement launched a criminal case against Mussaeva on charges of violence against a police officer, alleging that she had scratched the officer's face. She could face up to ten years' imprisonment.⁷⁰

It is not the first time Chechen authorities have targeted people to retaliate against 1ADAT. In October 2021, the European Court of Human Rights found Russia responsible for the 2020 enforced disappearance and torture of 19-year-old Salman Tepsurkayev, a former moderator of 1ADAT.⁷¹ An appalling video, circulated on Russian social media, showed him stripped naked and forced to penetrate himself with a glass bottle. His fate and whereabouts remain unknown.⁷² In its concluding observations on Russia's state reports in 2012 and 2018, the UN Committee against Torture had already identified a lack of effective investigations into abductions perpetrated by public officials in Chechnya.⁷³

The Kremlin's spokesperson, when commenting on the case of Mussaeva, said the account of her abduction seemed "fictitious."⁷⁴

In December 2021, Chechen law enforcement searched the home of Mussaeva's older son, Abubakar, in Pyatigorsk and questioned him for several hours about his brother, 1ADAT, and his own work as a

⁶⁶ "Правозащитники опубликовали видео задержания жены экс-судьи ВС Чечни" ("Human rights activists published a video of the detention of the wife of the ex-judge of the Supreme Court of Chechnya"), *RBC*, January 24, 2022, <https://www.rbc.ru/rbcfreenews/61eec29a9a79472981e2f1f9?> (accessed February 8, 2022).

⁶⁷ Tanya Lokshina, "Chechen Police Abduct a Woman in Retaliation Against Her Sons."

⁶⁸ "Министр печати Чечни: похищенную Зарему Мусаеву в Чечне арестовали на 15 суток за нападение на полицейского" ("Chechen Press Minister: Kidnapped Zarema Musayeva was arrested in Chechnya for 15 days for attacking a policeman"), *TV Dozhd'*, January 23, 2022, (https://tvrain.ru/news/ministr_pechati_chechni_soobschil_o_zaderzhanii_zaremy_musaevoj_kotoruju_nasilno_uvezli_iz_nizh_nego_novgoroda-546370/) (accessed February 8, 2022).

⁶⁹ Kadyrov_95, "Как же все-таки я про вас правильно говорю: 'так называемые правозащитники'" (How can I talk about you properly: 'the so-called human rights activists').

⁷⁰ Против Заремы Мусаевой возбудили уголовное дело за насилие в отношении полицейского ("Criminal case was opened against Zarema Musaeva for violence against a police officer"), *Gazeta.ru*, January 31, 2022, <https://www.gazeta.ru/social/news/2022/01/31/17218711.shtml> (accessed February 8, 2022).

⁷¹ European Court of Human Rights, *S.T. and Y.B. v. Russia*, (40125/20), judgement of October 19, 2021, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-212397%22%7D> (accessed February 8, 2022).

⁷² "Statement by Russian and International Human Rights Organizations on the Case of Salman Tepsurkaev," Human Rights Watch news release, September 29, 2020, <https://www.hrw.org/news/2020/09/29/statement-russian-and-international-human-rights-organizations-case-salman-0>.

⁷³ Footnote.

⁷⁴ "В Кремле назвали «фантастической историей» похищение жены экс-судьи Чечни" (The Kremlin called the kidnapping of the wife of the ex-judge in Chechnya a 'fantastic story'), *RBC*, January 21, 2022, <https://www.rbc.ru/politics/21/01/2022/61ea7a829a79476f6e2bbb54> (accessed February 8, 2022).

lawyer at CAT. Authorities designated Abubakar Yangulbaev as a witness in a vague “justification of terrorism” criminal case, prompting him to immediately resign from CAT because of the increasing risks for himself and the organization.

Around the same time, Chechen police arbitrarily detained dozens of relatives of other critics based abroad, held them for days, and subjected them to ill-treatment. These included family members of two opposition bloggers, Tumsu Abdurakhmanov and Khasan Khalitov, the founder of the human rights association «Vaifond», Mansur Sadulayev, and the director of the human rights organization Human Rights Center Ichkeria, Aslan Artsuev.⁷⁵ Most were eventually released but at time of writing, some are still forcibly disappeared. On January 24, Khalitov told the press that his sister and brother-in-law remain disappeared and that he received anonymous messages threatening sexual violence against his sister.⁷⁶

These enforced disappearances are part of a long-standing pattern of collective punishment, by which the Chechen leadership persecutes entire families, even distant relatives, for the alleged actions of one of their members. In 2015 the Committee noted this practice. Russian and international human rights organizations and journalists have documented it extensively.⁷⁷

Violence Against and Persecution of LGBT People

In 2017, police in Chechnya rounded up dozens of allegedly gay or bisexual men, tortured them in unlawful detention facilities, and outed them to their relatives, urging families to carry out “honor” killings.⁷⁸

This massive purge has not been effectively investigated.⁷⁹ The only victim who dared file an official complaint, Maxim Lapunov, had to leave Russia for security reasons after Russian authorities denied him protection and failed to investigate his allegations.⁸⁰ His complaint against Russia is pending at the European Court of Human Rights.

Given the impunity for the 2017 events, it is not surprising that another purge followed in 2019, albeit on a smaller scale.⁸¹

Since then, Chechen authorities have continued to persecute LGBT people within the republic and are the primary authorities responsible for hunting down LGBT people who fled Chechnya for other Russian

⁷⁵ Letter from Russian and International Human Rights Organizations to the President of the Russian Federation, “Regarding abduction style detentions of relatives of persons who publicly criticized the governor of Chechnya, Ramzan Kadyrov,” <https://www.hrw.org/news/2022/01/10/open-letter-president-russian-federation-russian-and-international-human-rights>.

⁷⁶ “Хасан Халитов дал интервью телеканалу дождь,похищение родственников,угрозы!” (Khasan Khalitov gave an interview to TV channel *Dozhd'*, kidnapping of relatives, threats!), video clip, YouTube, <https://www.youtube.com/watch?v=m-9tLsyQvXk> (accessed February 8, 2022).

⁷⁷ Human Rights Watch, “*Like a Walking Minefield*.”

⁷⁸ [спусртнф_ц \(ilga-europe.org\)](https://ilga-europe.org).

⁷⁹ Human Rights Watch, “*They Have Long Arms and They Can Find Me*”: Anti-Gay Purge by Local Authorities in Russia’s Chechen Republic, May 26, 2017, <https://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias>.

⁸⁰ Tanya Lokshina, “Victim of Chechnya’s anti-LGBT purge seeks justice,” commentary, Human Rights Watch Dispatch, October 19, 2017, <https://www.hrw.org/news/2017/10/19/victim-chechnyas-anti-lgbt-purge-seeks-justice>.

⁸¹ “Russia: New Anti-Gay Crackdown in Chechnya,” Human Rights Watch news release, March 8, 2019, <https://www.hrw.org/news/2019/05/08/russia-new-anti-gay-crackdown-chechnya>.

regions. This submission highlights only some of cases that took place in 2021, which Human Rights Watch documented.

In February 2021, Russian police apprehended Salekh Magamadov and Ismail Isaev—who had left Chechnya for fear of persecution over posting anti-government comments on social media as well as threats because of their perceived sexual orientation—and forcibly returned them from Nizhny Novgorod to Grozny. The men, who alleged torture in detention, are still behind bars pending trial on bogus charges of aiding an illegal armed group. In March, Chechen authorities detained and threatened their family members with the aim of getting the men to withdraw their ill-treatment claims.⁸²

In May 2021, the Russian LGBT Network reported that Chechen-speaking men abducted Ibragim Selimkhanov in Moscow and forcibly returned him to Grozny, where authorities interrogated him about gay people in the region. Authorities released him to live under surveillance with his mother, and later he escaped Chechnya a second time.⁸³

Lesbian and bisexual women face family violence, persecution by the authorities, and even honor killings. The case of 22-year-old Khalimat Taramova is illustrative.⁸⁴

Taramova, who identifies as bisexual, fled Chechnya on June 4, 2021, because her family beat and verbally abused her and forced her to undergo so-called conversion therapy. A friend took her to a shelter for battered women in Makhachkala, Dagestan, which neighbors Chechnya, while Russian LGBT Network worked to relocate her to a safer distance. On the advice of the shelter's activists, Taramova recorded a video saying she had left Chechnya voluntarily and sent it to Chechen authorities.

On June 10, Dagestani police stormed the shelter and detained the activists. Several Chechen police officers and Taramova's father rushed in. Shortly thereafter, Taramova and her friend were tricked into going to the police station, where they were held until the next morning, when Chechen police forced Taramova into a car and drove her to Chechnya.

Ten days later, Chechnya's broadcaster ran a story on Taramova, in which she said on camera that she was doing well and that her family was taking care of her. Her current situation is unknown. Meanwhile, in November 2021, the authorities designated the Russian LGBT Network a "foreign agent" organization.⁸⁵ For years, the group has been playing a key role in documenting abuses against LGBT people in Chechnya and evacuating those at risk.

Domestic Violence

In 2020, Human Rights Watch documented an incident that serves as a stark illustration of how Kadyrov condones domestic violence and enables impunity for it. On June 12, 23-year-old Madina Umayeva was

⁸² Kyle Knight and Tanya Lokshina, "No End to Chechnya's Violent Anti-Gay Campaign," commentary, Human Rights Watch Dispatch, August 31, 2021, <https://www.hrw.org/news/2021/08/31/no-end-chechnyas-violent-anti-gay-campaign>.

⁸³ Ibid.

⁸⁴ Tanya Lokshina, "Police 'Kidnap' Chechen Woman Who Escaped Abuse," commentary, Human Rights Watch Dispatch, June 15, 2021, <https://www.hrw.org/news/2021/06/15/police-kidnap-chechen-woman-who-escaped-abuse>.

⁸⁵ "'Российскую ЛГБТ-сеть' внесли в реестр незарегистрированных объединений-иноагентов" ("Russian LGBT Network" was included in the register of unregistered associations-foreign agents"), *Interfax*, November 8, 2021, <https://www.interfax.ru/russia/801865> (accessed February 8, 2022).

found dead in her home in Gudermes.⁸⁶ Her husband and his relatives buried her the same night, before the cause and circumstances of her death were established.

Umayeva's mother stated that her daughter had been in good health, and that prior to her death Madina had argued with her husband, who had previously beaten her on numerous occasions. When Umayeva's body was exhumed on June 20, 2020, to conduct a forensic examination and establish the cause of death, Umayeva's mother told the media that she had been present at the exhumation and seen a "scar or wound and blood from this wound" on her daughter's body.

Immediately following that statement, local authorities invited Umayeva's mother for a "talk." During the meeting, which took place on state television, Kadyrov berated Umayeva's mother for requesting the investigation into her daughter's death and justified domestic violence, saying that Umayeva "should have held on to her marriage.... [W]hen a woman is married, there are arguments, and fights, and sometimes her husband beats her." Umayeva's mother was forced to apologize to Kadyrov on camera for requesting the investigation and her apology was shown on Chechen television.⁸⁷ The Chechen authorities both blocked badly needed justice for a victim of domestic violence and reinforced a dangerous message that those seeking redress for abuse will be targeted and punished and they should stay silent.⁸⁸

Umayeva's cousin said Umayeva attempted to leave her abusive husband but returned in order not to lose access to her children. Chechen traditional laws, often upheld by local authorities even when contravening Russia's laws and international human rights standards, stipulate that children belong with the father and his family. This often dissuades women who have children from fleeing abusive marriages.⁸⁹

In November 2021, the European Court of Human Rights handed down a pilot ruling on the case of Luisa Tapayeva, a Chechen woman whose four daughters had been taken from her after their father died. Finding Russia in violation of Tapayeva's right to family life and the prohibition of discrimination, the court noted that sex-based discrimination was systemic in Chechnya and across the North Caucasus region.⁹⁰

In the ruling, the court stated that it had "previously examined" several similar cases from the Northern Caucasus. It further references conclusions adopted by the UN Committee on the Elimination of Discrimination against Women urging Russia to "to modify or eliminate traditional practices and stereotypes that discriminate against women" and, specifically, to "take the legislative measures

⁸⁶ Letter to the Chairman of the Investigation Committee of the Russian Federation A.I. Bastyrkin, "Regarding the lack of an effective investigation into the death of Madina Umyaeva," July 5, 2020, <https://www.hrw.org/news/2020/07/05/letter-chairman-investigation-committee-russian-federation-ai-bastyrkin-0>.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Tanya Lokshina, "In Chechnya, a ruthless strongman orders family reunification," commentary, Human Rights Watch Dispatch, September 6, 2017, <https://www.hrw.org/news/2017/09/06/chechnya-ruthless-strongman-orders-family-reunification>.

⁹⁰ Tanya Lokshina, "European Court Rules to Reunite Chechen Woman with Her Children," commentary, Human Rights Watch Dispatch, November 25, 2021, <https://www.hrw.org/news/2021/11/25/european-court-rules-reunite-chechen-woman-her-children>.

necessary to eliminate the concept of ‘ownership’ of the father over his children in the northern Caucasus, and ensure equal parental rights to women in all cases.”⁹¹

In addition to paying Tapayeva compensation and ensuring she is reunited with her children, the Russian government is required to take concrete steps to end discrimination against women, in custody matters and beyond.

Recommendations

The Committee should call on the Russian government to:

- Put a stop to enforced disappearances, arbitrary detention, torture and all ill-treatment by Chechen authorities including holding to account those responsible for such violations already committed;
- Insist that Ramzan Kadyrov and other Chechen authorities cease threatening and persecuting human rights defenders, journalists, and critics and hold to account those responsible for them;
- Ensure Chechen authorities immediately stop collective punishment and public humiliation practices in Chechnya;
- Ensure accountability for the torture and ill-treatment of LGBT people in Chechnya;
- Instruct Ramzan Kadyrov to immediately cease publicly justifying domestic violence and targeting survivors or their family members who report domestic violence, including through forced retractions;
- Run an audit of Grozny TV to eliminate content involving calls for violence and discrimination by local officials, and
- Insist that Chechen authorities uphold federal law and modify or enact legislation in line with international law on eliminating violence and discrimination against women, including but not limited to the matter of child custody.

⁹¹ European Court of Human Rights, *Tapayeva and Others v. Russia* (24757/18), Judgement of 23 November 2021, available at [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-213371%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-213371%22]}).